



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) 6th Account and Report of Conservator, (2) Petition for Allowance of Attorney Fees

		MARY MCCALL , Mother and Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> The Court will set a status hearing for the filing of the 7 th Account on Thursday, 10-20-16.	
		Current bond is \$473,149.00.		
		Account period: 6-20-12 through 6-30-14		
Cont. from		Accounting: \$727,600.26		
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH: \$663,437.54		
<input checked="" type="checkbox"/>	Verified	Ending POH: \$685,701.58		
<input type="checkbox"/>	Inventory	(\$312,401.58 cash plus annuity)		
<input type="checkbox"/>	PTC	Conservator: Waived		
<input type="checkbox"/>	Not.Cred.	Attorney: \$2,000.00 (per Local Rule)		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states the Conservatee enjoys visiting her sister, niece and nephew in San Diego, and has flown there 10 times in the past two years. The Conservator flies with her and pays her own air fare. These visits are beneficial to the Conservatee, as she only has one sibling and visiting her family is in her best interest.		
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report	Petitioner prays for an Order approving, allowing and settling the 6 th Account and authorizing attorney fees.		
<input checked="" type="checkbox"/>	2620(c)			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			Reviewed by: skc
<input type="checkbox"/>	Citation		Reviewed on: 10-20-14	
<input type="checkbox"/>	FTB Notice		Updates:	
			Recommendation:	
			File 2 - McCall	

Atty Neilson, Bruce A., and Ivy, Scott J. (of Lang Richert & Patch, for Janette Courtney, Executor)

Status Hearing Re: Filing of the Inventory and Appraisal; Filing of First Account and/or Petition for Final Distribution

DOD: 6-9-11		JANETTE COURTNEY , was appointed Executor with Full IAEA without bond and Letters issued on 9-15-11.	NEEDS/PROBLEMS/COMMENTS: Minute Order 4-8-13: Mr. Keeler and Mr. Ivy are appearing via conference call. Mr. Ivy is directed to file a fully executed agreement with the court. Matter is set for Status Hearing on 5/24/13 regarding the settlement agreement and the dismissal. If the agreement and dismissal are filed by 5/24/13, no appearance will be necessary. The status hearing regarding the inventory and appraisal is continued to 6/28/13 for appearance by Mr. Neilson only. Set on 5/24/13 @ 9:00 a.m. Dept. 303 for: Status Hearing Re: Settlement Agreement and Dismissal
		Inventory and Appraisal Partial No. 1 filed 2-13-13 included commercial real property valued at \$250,000.00, which was sold pursuant to Order Confirming Sale of Real Property.	Note: Full and Complete Settlement Agreement and Mutual Release of All Claims filed 4-11-13, and dismissal of petition filed by Dennis L. Thomas on 12-19-11 was entered on 5-1-13.
		At hearing on 2-25-13, the Court set status hearing for 4-8-13 for the filing of the Final Inventory and Appraisal, filing of the first account, and/or petition for final distribution.	
Cont. from 040813, 062813, 072613, 100413, 011714, 032114, 042514, 060614, 072114, 091814		The status hearing for filing of the final Inventory and Appraisal has been continued to 6-28-13 and now 7-26-13.	Minute Order 9-18-14: No appearances. Mr. Bruce A. Neilson is ordered to personally appear. Continued to 10-23-14 at 9:00 in Dept. 303.
		Status Report filed 7-19-13 states:	
<input type="checkbox"/>	Aff.Sub.Wit.	<ul style="list-style-type: none"> Petitioner has performed all required duties as personal representative All known debts have been paid except for mortgage on real property which has a market value below the mortgage amount All administration costs to date except for compensation to the personal representative and attorney have been paid The estate is solvent A creditor's claim filed by Steven Drummond has been rejected There is currently no pending litigation involving the estate; however, there is a potential claim against beneficiaries for recovery of a vehicle and reimbursement for sales tax paid The status of a business being operated by a beneficiary, and the estate's current interest therein, has yet to be determined/negotiated. It is estimated that an additional three (3) months will be needed to complete administration of the estate, unless litigation is needed to recover the vehicle. Petitioner requests authority to continue administration until 10-1-13. 	Note: This is the 11th status hearing on this matter. As of 10-20-14, nothing further has been filed.
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	Status Report filed 10/03/13 states: Since the prior status hearing the executor has been able to locate the Chevrolet Suburban, however it is damaged and towing and storage may be equal or more than the value. A compromise with the storage facility is being negotiated. Additionally, no paperwork has been located regarding the horse that a beneficiary claims belonged to the decedent and for which he is making a claim for care and feeding. The estate has rejected the claim. As to the real property in Mariposa, CA, it was thought that the bank was foreclosing on the property, but they have not. Time is requested to appraise and inventory this property and the Suburban as well as resolve the disposition of the horse.	1. Need Final I&A. 2. Need First Account or Petition for Final Distribution pursuant to Probate Code §12200.
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	Reviewed by: skc	
		Reviewed on: 10-20-14	
		Updates:	
		Recommendation:	
		File 5 - Drummond	

Atty Armo, Lance E., sole practitioner (for Petitioner Roger Day, Executor)

(1) Petition for Final Distribution on Waiver of Account and (2) for Allowance of Compensation for Ordinary Services

DOD: 8/2/2006		ROGER DAY , son and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. <i>Final Inventory and Appraisal</i> filed on 2/26/2013 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.) 2. Paragraph 12 of the <i>Petition</i> states the real property residence included on the <i>Final Inventory and Appraisal</i> filed 2/26/2013 valued at \$190,000.00 was sold during the proceedings by <i>Notice of Proposed Action</i> . <i>Notice of Proposed Action</i> filed 8/14/2014 states the real property was sold for \$87,000.00 . Statutory fee base does not include the \$103,000.00 loss on the sale of Decedent's real property pursuant to Probate Code § 10810(b). Correct statutory fee calculates as \$3,480.00 , resulting in a difference of \$3,220.00 requested in excess of the allowable statutory fee amount. Need revised proposed order containing the correct statutory fee and distribution amounts.
		Accounting is waived.	
Cont. from		I & A — \$190,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH — \$75,147.89 (all cash)	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Executor — waives	
<input type="checkbox"/>	PTC	X	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney — [\$3,480.00] (statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	022513		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/>	FTB Notice		
Reviewed by: LEG			
Reviewed on: 10/21/14			
Updates:			
Recommendation:			
File 6 – Day			

Atty Fanucchi, Edward L. (for Administrator Isabel Diaz-Casillas)

(1) First and Final Account and Report of Personal Representative, Petition for Settlement (2) for Allowance of Attorneys' Fees for Ordinary Services, (3) Waiver of Commission, Costs, Reserve and (4) for Final Distribution to Verbal Testamentary Trust

DOD: 1-17-13		ISABEL DIAZ-CASILLAS , Sister and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Amended petition filed 10-16-14 is set for hearing on 12-3-14 Note: <i>Nunc Pro Tunc Consent of Designated Beneficiary to Probate of Assets and Distribution to Trust for Children of Decedent</i> was filed 10/6/2014 by the following persons: <ul style="list-style-type: none"> Isabel Diaz-Casillas, sister of Decedent; Dina Diaz, sister of Decedent. <u>SEE ADDITIONAL PAGES</u>
Cont. from 082814, 100914		Account period: 1-18-13 through 6-30-14 Accounting: \$155,082.17 Beginning POH: \$155,082.17 Ending POH: \$119,894.35 (cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	X	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	X	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice	Administrator (Statutory): Waived Attorney (Statutory): \$5,652.47 Closing: \$5,000.00 Petitioner states that pursuant to the wishes of the decedent prior to her death, it was her intention that the following assets be held in trust by Petitioner for the benefit of her two children and that funds be disbursed in the discretion of the trustee for the benefit of each child in an amount in the discretion of the trustee for the general welfare of said children and for payment of any debts owed by the decedent as a result of her death: <ol style="list-style-type: none"> Pension benefits payable to Gina Diaz (sister); Supplemental Life Insurance Policy with Symetra Life Insurance Company payable to Gina Diaz Basic Life Insurance Policy with Symetra Life Insurance Company payable to Isabel Diaz-Casillas The funds referenced above are to be deposited in the trust account of Quinlan, Kershaw & Fanucchi, LLP, and funds are to be disbursed upon the authority of the trustee. Distribution pursuant to "Agreement Re Verbal Testamentary Trust" is to: Isabel Diaz-Casillas, as Testamentary Trustee for Amando Montero: \$53,252.56; Isabel Diaz-Casillas, as Testamentary Trustee for Jessica Montero Hinojosa: \$54,692.82	

Reviewed by: skc

Reviewed on: 10-20-14

Updates:

Recommendation:

File 11 - Lujan

1. Petitioner states that prior to the decedent's death, the decedent stated that it was her intention that certain assets be held in trust for her two children (who are adults), including:
 - a. Pension benefits payable to Gina Diaz (the decedent's sister) in the net amount of \$8,853.55, after deduction of \$2,770.10 for federal income taxes withheld, and in the net amount of \$2,770.10, after deduction of \$692.52 for federal income taxes withheld;
 - b. Supplemental Life Insurance Policy with Symetra Life Insurance Company payable to Gina Diaz (the decedent's sister) in the amount of \$60,093.70; and
 - c. Basic Life Insurance Policy with Symetra Life Insurance Company payable to Isabel Diaz-Casillas (Petitioner) in the amount of \$75,117.12.

These cash assets were inventoried by the Administrator as assets of the estate on the I&A filed 9-4-13 pursuant to Probate Code §8901; however, these accounts had beneficiary designations.

Petitioner is the designated beneficiary of the Symetra Basic Life Insurance Policy. Is it correct to assume that by this petition, Petitioner consents to the probate of this asset as an asset of the estate?

Gina Diaz, the decedent's other sister, however, is the designated beneficiary of the Symetra Supplemental Life Insurance Policy and the EOC Pension benefits. Gina Diaz has not signed any consent to include these assets as assets of the estate, or to the "Agreement" that would allow these accounts to be probated and distributed ultimately to other beneficiaries.

Need authority for including the assets that designate Gina Diaz as beneficiary as assets of the estate.

2. Petitioner titles her declaration regarding the decedent's intent as "Agreement Re Verbal Testamentary Trust," and requests distribution pursuant thereto.

However, there is no such thing as a "verbal testamentary trust." A testamentary trust is a trust created by a will. See §17300. The decedent died intestate. Therefore, any distribution of estate assets would be pursuant to intestate succession, or beneficiary designation, pursuant to clarification of #1 above.

Further, the "Agreement" is signed only by Petitioner and although it includes a statement that the decedent verbally stated certain wishes, it does not provide details that would be relevant to the establishment of an oral trust in accordance with Probate Code §15207, and this petition has not been brought under that section. For example, no information is provided regarding the specific circumstances of how or when the decedent verbally made these statements, which appear to be very specific, yet contrary to the beneficiary designations that were previously in existence.

If Petitioner is alleging that an oral trust was created by the decedent prior to her death, it would need to be separately established under proper authority by clear and convincing evidence, and then Petitioner could theoretically request distribution of the estate pursuant to such previously established trust.

Alternatively, if the beneficiaries (Isabel Diaz-Casillas and Gina Diaz) and intestate heirs (Armando Montero and Jessica Montero Hinojosa) wish to make an agreement regarding the inclusion of certain assets in this probate estate and distribution pursuant to such agreement, an amended petition may be appropriate; however, whatever form such agreement takes, it would not be considered a "verbal testamentary trust."

SEE ADDITIONAL PAGES

3. Bank of America filed a creditor's claim \$32,911.04, which was rejected per Rejection filed 9-23-13. However, Petitioner does not state whether any lawsuit resulted from the claim/rejection pursuant to Cal. Rules of Court 7.403.

In the petition, Petitioner states that this claim was for a second deed of trust on real property "which was lost to foreclosure." However, the petition does not state when the property was lost to foreclosure. Was it was prior to or after the decedent's death in January 2013? In the "Agreement" signed by Petitioner in June 2013, Petitioner states the residence "is currently in proceedings for a Trustee's sale," which indicates that the real property was not yet foreclosed, and was owned by the decedent at her death and therefore should have been inventoried as an asset on the I&A.

Need verified statement regarding whether any action was taken by the creditor upon rejection of the claim, and clarification re the real property. If the property was not foreclosed, what actions were taken, if any, with regard to the property?

4. Petitioner did not answer #5 on the I&A re Property Tax Certificate. Need verified statement regarding the requirements of R&T Code §480.
5. The disbursements schedule indicates that Petitioner made numerous "advances" to the decedent's two children as trustee of the "trust" without Court authorization in violation of Probate Code §11620. Jessica Hinojosa has received \$10,559.74 and Armando Montero has received \$10,000.00, plus \$2,116.68 for funeral expenses (not itemized) plus \$2,000.00 paid to McCormick Barstow on Armando Montero's behalf (without explanation).
6. Petitioner does not address whether notice was required to the Director of the California Victim Compensation and Government Claims Board pursuant to Probate Code §9202(b).

Note: Based on the above issues, the Court may strike any language approving the acts and transactions of the personal representative.

7. Petitioner requests to retain a reserve amount of \$5,000.00 for closing expenses; however, Petitioner does not indicate what liabilities may be determined to be due. It appears from the disbursements schedule that the decedent's final taxes have been completed. The Court may require clarification regarding the purpose of the reserve, and, consistent with the Court's recent practice, if Court determines an informal accounting of the closing reserve is warranted, Court will set a Status Hearing as follows:

- Thursday, February 26, 2015 at 9:00 a.m. in Dept. 303 for an Informal Accounting of the \$5,000.00 Closing Reserve.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. Filing of the informal accounting of closing reserve will not generate a new hearing date.

Atty Greenwood, Anthony Dean (pro per Petitioner)

Atty Greenwood, Kimberli E. (pro per Petitioner)

Petition to Establish Fact of Marriage

		<p>ANTHONY GREENWOOD and KIMBERLI GREENWOOD, are petitioners.</p> <p>Petitioners request the Court establish fact, date and place of their marriage as follows: July 15, 1989 In Los Angeles County California.</p> <p>Petitioners state a certified copy of the official record cannot be found after a search done through the Los Angeles County Recorder's Office.</p> <p>Verified Declaration of Shirley Simmons-Keith states that she was a witness to the exchange of vows between then Kimberli Bell and Anthony Greenwood. She signed the marriage license and served as the Maid of Honor at their wedding on July 15, 1989.</p> <p>Petitioners request the Court establish the fact of marriage of Anthony Greenwood and Kimberli Greenwood on July 15, 1989 in Los Angeles County, California.</p> <p>Update: Declaration filed 10-20-14 states that a marriage license was obtained in July 1989 through Norwalk County Recorder's Office, but their personal copy is lost. After unsuccessful attempts to regain a copy from Vital Records in Sacramento and Los Angeles Counties for a year, they were given replies of "no record on file" in either office. The Sacramento office explained that records from 1988 to 2005 were found to be difficult to obtain, and they were instructed to file this petition.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 100914			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail N/A		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 10/21/14 (skc)</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 22 - Greenwood</p>	